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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,997

03/31/2004

Anders Hanson

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07/05/2006

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EXAMINER

BREAN, LAURA MICHELLE

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,997	<b>Applicant(s)</b> HANSON, ANDERS	
	<b>Examiner</b> Laura M. Brean	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/13/2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/19/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group 1, Claims 1-7, in the reply filed on 6/13/2006 is acknowledged. The traversal is on the ground(s) that the safety knife and pouch are a common invention combination wherein the pouch is adapted to be used with the safety knife. This is not found persuasive because although the pouch and knife function together, their function is not limited to use with the other. The safety knife and the pouch are each separate inventions where the safety knife is usable with a different pouch and the pouch may be used with a different safety knife. Since each the knife and pouch are a separate invention, both possess a separate status in the art and naturally require a different field of search.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/13/2006.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "float" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 8 and 108. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the

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sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The use of the trademark Velcro has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

5. Claims 2, 4 and 7 are objected to because of the following informalities:

In claim 2, line 3, "two cutting elements from" should be changed to -- two cutting elements form--.

In claim 4, line 2, "fro" should be changed to --for--.

In claim 7, lines 3- 4, to keep term consistency, "said extension" should be changed to --said extension arm--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, the phrase "wherein the base arm includes an angle with a longitudinal direction of the base arm and a longitudinal direction of the handle" renders the claim(s) indefinite because it is unclear what is intended by this phrase thereby rendering the scope of the claim(s) unascertainable. Possibly there is a mistake in the syntax of the phrase that is causing confusion. However, it is unclear what is meant in that the base arm includes an angle with a longitudinal direction of itself and that this angle has the same longitudinal direction of the handle. See MPEP § 2173.05.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Domenico (U.S. Patent 5,829,321). Domenico discloses a safety knife (10) for cutting lines or straps comprising a handle (12), a base arm (14), an extension arm (16), and a cutting device (50/52), wherein said extension arm (16) curves from said base arm (14), establish an opening (18) between said base arm (14) and said extension arm (16), wherein said cutting device (50/52) is arranged in said opening (18), and wherein (as best understood) the base arm includes an angle with a longitudinal direction of the base arm and a longitudinal direction of the handle.

In regards to claim 2, Domenico discloses wherein said cutting arrangement comprises two cutting elements (50/52) arranged in said opening (18) between said base arm (14) and said extension arm (16), and wherein said two cutting elements (50/52) form substantially a V-shape (Figure 1).

In regards to claim 3, Domenico discloses wherein said handle (12) comprises at least one aperture (T-shaped opening; shown in Figure 1- not numbered) for holding said safety knife (10). The safety knife could be held to the wall with a nail protruding through the aperture. The claim does not limit the capability of the aperture to being used by hand to hold the safety knife.

In regards to claim 4, Domenico discloses wherein said handle comprises an aperture (T-shaped opening; shown in Figure 1- not numbered) capable of being used for attaching a strap for holding said safety knife.

In regards to claim 5, Domenico discloses wherein said handle (12) comprises at least one projection (the handle bump, located at the bottom right of Figure 1, across from reference 12) for holding said safety knife.

8. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. (U.S. Patent 3,673,687), herein referred to as Phillips. Phillips discloses a safety knife (10) for cutting lines or straps comprising a handle (12), a base arm (17), an extension arm (20), and a cutting device (38), wherein said extension arm (20) curves from said base arm (17) to establish an opening (see Figure 1) between said base arm (17) and said extension arm (20), wherein said cutting device (38) is arranged in said opening and wherein (as best understood) the base arm (17) includes an angle with a longitudinal direction of the base arm and a longitudinal direction of the handle (12), said cutting arrangement comprises two cutting elements (curved portion, 45 and straight portion, 46) arranged in said opening between said base arm (17) and said extension arm (20), wherein said two cutting elements form substantially a V-shape (Figure 1), wherein said handle (12) comprises at least one aperture for holding said safety knife (14), said handle (12) further comprising an aperture (15) for attaching a strap for holding the safety knife, and wherein said handle (12) comprises at least one projection (Handle grips, not numbered shown in Figure 1) for holding said safety knife.

***Claim Rejections - 35 USC § 103***



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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Domenico in view of Crawford (U.S. Patent 6,640,445). Domenico discloses the claimed invention except that the safety knife further comprises a float that is incorporated in or attached to the handle. However, attention is directed to the Crawford device that discloses a buoyant knife with a float (foam) that covers the outer surface of the handle to provide sufficient buoyancy such as to allow the entire knife to float when dropped or placed in water (abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the handle of Domenico as taught by Crawford to incorporate a foam float so that the knife would float if dropped in water.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent D508,390 to Trbovich, Jr., U.S. Patent D381,886 to Domenico, U.S. Patent 4,198,751 to Egbert, U.S. Patent 3,365,798 to Cunningham, U.S. Publication 2006/0060040 to Wichner, and U.S. Publication 202/0026711 to Edwards et al. all disclose knives with V-shaped cutters on a rounded head of the handle.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB  
06/22/2006



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